

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLARD NUEL : CIVIL ACTION  
: :  
v. : :  
: No. 11-2024  
CAPITAL ONE, N.A. : :

**ORDER**

AND NOW, this 24<sup>th</sup> day of January, 2012, “Defendant’s Motion to Dismiss the Amended Complaint” (docket no. 18) is granted as follows: Count III of the amended complaint is dismissed without prejudice by agreement, see plaintiff’s memorandum, p.3. Counts I and II of the amended complaint are dismissed with prejudice. Plaintiff’s request to further amend the complaint is denied. A memorandum accompanies this order.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.